

REMARKS

Claim Rejections – 35 U.S.C. §112

Claims 11, 23 and 27 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Examiner asserts that there is no antecedent basis for “the folding advertising surface.”

Claims 11, 23 and 27 have been amended in order to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully submits that no new matter has been introduced by these amendments. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim Rejections – 35 U.S.C. §103

Claims 1, 3-8, 11-14, 16-20, 23, 26, and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Pettigrew et al. (US 6,869,085) in view of Duer (US 5,429,377).

Applicant respectfully submits that the present application claims the benefit of the priority date June 7, 2001 of application serial number 09/877,409, and that Claims 1, 12 and 26 of the present invention are supported by this parent application. Since Pettigrew’s filing date of November 26, 2001 is clearly *after* the June 7, 2001 date of the present application, Pettigrew is unavailable as a prior art reference. Applicant respectfully submits that since Examiner’s obviousness rejection relies upon Pettigrew, and Pettigrew is unavailable as a prior art reference, Claims 1, 3-8, 11-14, 16-20, 23, 26, and 27 are nonobvious and currently in condition for allowance.

Even if Pettigrew were available as a prior art reference, for a §103 obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. MPEP 2143.

Claim 1 recites a folding advertising system comprising “a railing having an outer surface ... a body having a first side and a second side opposite said first side, said first side having printed indicia forming a visual image ... and a releasable adhesive disposed on said second side of said body, said releasable adhesive adhered to the outer surface of said railing.”

Neither Pettigrew nor Duer disclose a folding advertising system comprising a body having printed indicia forming a visual image, wherein the body is releasably adhered to a *railing*, as recited in Claim 1. Pettigrew only relates to “shopping cart handle sanitary covers.” (Col. 1, lines 5-7). Duer similarly only relates to “sanitary coverings for shopping carts....” (Col. 1, lines 13-20).

As would be appreciated by one ordinarily skilled in the art, a *shopping cart handle* is not the same as a *railing*. A railing provides hand guidance and support along a structure. When a user grabs a railing and applies force to it, neither the railing nor the structure to which it is attached move in a significant way, thereby providing something fixed and stable for the user to grab. A shopping cart handle is completely different. When a user grabs a shopping cart handle and applies force to it, both the handle and

the cart move significantly, allowing the user to push the cart around the market. Therefore, a shopping cart handle is not a railing.

Since neither Pettigrew nor Duer disclose a body releasably adhered to a *railing*, their combination cannot disclose these limitations.

Furthermore, there is no suggestion or incentive found in either Pettigrew or Duer that would motivate one skilled in the art to modify either one so that their covers are adhered to a railing, as recited in Claim 1.

If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. MPEP 2143.01.

If the covers in Pettigrew or Duer were modified to be adhered to a railing, they would not be able to be placed on a shopping cart handle as intended, thereby rendering both unsatisfactory for their intended purpose. A cover cannot be adhered to both a railing and a shopping cart handle at the same time. Therefore, there is no suggestion or motivation to make such a modification.

Applicant respectfully submits that Claim 1 is nonobvious over Pettigrew in view of Duer, and is currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

Since Claims 3-8 and 11 are dependent from Claim 1, they are also patentable as they contain the same limitations as Claim 1. Therefore, Applicant respectfully submits that Claims 3-8 and 11 are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 12 recites an advertising system comprising a grab bar having an outer surface ... and a body having a first side and a second side opposite said first side, said first side of said body having printed indicia forming the visual image, said second side releasably adhered to the outer surface of said grab bar by a releasable adhesive disposed on said second side of said body”

Neither Pettigrew nor Duer disclose a folding advertising system comprising a body having printed indicia forming a visual image, wherein the body is releasably adhered to a *grab bar*, as recited in Claim 12. As discussed above, Pettigrew and Duer only relate to shopping cart handles.

As would be appreciated by one ordinarily skilled in the art, a *shopping cart handle* is not the same as a *grab bar*. A grab bar provides hand guidance and support along a structure. When a user grabs the grab bar and applies force to it, neither the grab bar nor the structure to which it is attached move in a significant way, thereby providing something fixed and stable for the user to grab. A shopping cart handle is completely different. When a user grabs a shopping cart handle and applies force to it, both the handle and the cart move significantly, allowing the user to push the cart around the market. Therefore, a shopping cart handle is not a grab bar.

Since neither Pettigrew nor Duer disclose a body releasably adhered to a *grab bar*, their combination cannot disclose these limitations.

Furthermore, there is no suggestion or incentive found in either Pettigrew or Duer that would motivate one skilled in the art to modify either one so that their covers are adhered to a grab bar, as recited in Claim 12.

If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. MPEP 2143.01.

If the covers in Pettigrew or Duer were modified to be adhered to a grab bar, they would not be able to be placed on a shopping cart handle as intended, thereby rendering both unsatisfactory for their intended purpose. A cover cannot be adhered to both a grab bar and a shopping cart handle at the same time. Therefore, there is no suggestion or motivation to make such a modification.

Applicant respectfully submits that Claim 12 is nonobvious over Pettigrew in view of Duer, and is currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

Since Claims 14, 16-20 and 23 are dependent from Claim 12, they are also patentable as they contain the same limitations as Claim 12. Therefore, Applicant respectfully submits that Claims 14, 16-20 and 23 are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 26 recites a system comprising “a pole having an outer surface ... a body having a first side and a second side opposite said first side ... said first side having printed indicia forming a visual image; and a releasable adhesive disposed on said second side of said body, said releasable adhesive adhered to the outer surface of said pole.”

Neither Pettigrew nor Duer disclose a system comprising a body having printed indicia forming a visual image, wherein the body is releasably adhered to a *pole*, as recited in Claim 26. As discussed above, Pettigrew and Duer only relate to shopping cart handles.

As would be appreciated by one ordinarily skilled in the art, a *shopping cart handle* is not the same as a *pole*. *Merriam Webster's Collegiate Dictionary, 10th Edition* provides the following definition:

pole *n* 1 a : a long slender usu. cylindrical object

A shopping cart handle is short in length due to the limited space in shopping aisles and a desire to allow the cart to move freely without bumping into other objects. A shopping cart handle is too limited in size to be considered long, and therefore, it does not constitute a pole.

Since neither Pettigrew nor Duer disclose a body releasably adhered to a *pole*, their combination cannot disclose these limitations.

Furthermore, there is no suggestion or incentive found in either Pettigrew or Duer that would motivate one skilled in the art to modify either one so that their covers are adhered to a pole, as recited in Claim 26.

If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. MPEP 2143.01.

If the covers in Pettigrew or Duer were modified to be adhered to a pole, they would not be able to be placed on a shopping cart handle as intended, thereby rendering both unsatisfactory for their intended purpose. If a pole were used for the handle of the shopping cart, it would result in very clumsy operation of the shopping cart due to the handle being *long*, as required by a pole. Therefore, there is no suggestion or motivation to make such a modification.

Applicant respectfully submits that Claim 26 is nonobvious over Pettigrew in view of Duer, and is currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

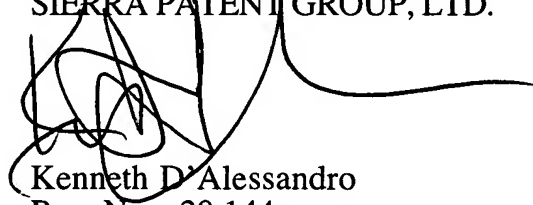
Since Claim 27 is dependent from Claim 26, it is also patentable as it contains the same limitations as Claim 26. Therefore, Applicant respectfully submits that Claim 27 is currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

Amendments to Claims 3-8 and 10

Claims 3-8 and 10 have been amended in order to be consistent with Claim 1. Applicant respectfully submits that no new matter has been introduced by these amendments.

If the Examiner has any questions regarding this application or this response, the Examiner is requested to telephone the undersigned at 775-586-9500.

Respectfully submitted,
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